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12 Adams

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 L.C., a minor by and through her
12 guardian *ad litem* Maria Cadena,
13 individually and as successor-in-interest
14 to Hector Puga; I.H., a minor by and
15 through his guardian *ad litem* Jasmine
16 Hernandez, individually and as
17 successor-in-interest to Hector Puga;
18 A.L., a minor by and through her
19 guardian *ad litem* Lydia Lopez,
20 individually and as successor-in-interest
21 to Hector Puga; and ANTONIA
22 SALAS UBÁLDO, individually,

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Plaintiffs,

vs

STATE OF CALIFORNIA; COUNTY
OF SAN BERNARDINO; S.S.C., a
nominal defendant; ISIAH KEE;
MICHAEL BLACKWOOD;
BERNARDO RUBALCAVA;
ROBERT VACCARI; JAKE ADAMS;
and DOES 6-10, inclusive,

Defendants.

CASE NO. 5:22-cv-00949-KK-(SHKx)

Assigned for All Purposes to:
Hon. Kenly K. Kato – Courtroom 3

**DECLARATION OF AMY R.
MARGOLIES, ESQ. IN SUPPORT
OF COUNTY DEFENDANTS' EX
PARTE APPLICATION FOR ONE
ADDITIONAL MOTION IN LIMINE**

DECLARATION OF AMY R. MARGOLIES

I, Amy R. Margolies, declare as follows:

1. I am an attorney at law duly authorized to practice before this Court and am a partner with Lynberg & Watkins, attorneys for Defendants County of San Bernardino, Robert Vaccari, and Jake Adams in this action. I have personal knowledge of the facts stated herein, except those stated upon information and belief, and as to those matters, I believe them to be true. If called upon to testify to the matters herein, I could and would competently do so.

2. On April 7, 2025, pursuant Local Rule 7-3, defense counsel for the County Defendants provided email correspondence containing each motion *in limine* the Defendants anticipated filing which consisted of five motions for the County Defendants.

3. On April 11, 2025, pursuant to Local Rule 7-3, the Parties conducted a Zoom conference to attempt to meet and confer regarding the Parties' respective motions *in limine*. Plaintiffs did not stipulate to exclude any of the evidence regarding County Defendants' motions *in limine*.

4. Attached hereto as Exhibit "A" is a true and correct copy of the email correspondence between Defense counsel and Plaintiffs' counsel wherein Plaintiffs refused to stipulate to not use "Sal's" video at trial.

5. Attached hereto as Exhibit "B" is a true and correct copy of Plaintiffs' Opposition to County's Ex Parte to Extend Discovery Cutoff.

6. Attached hereto as Exhibit "C" is a true and correct copy of the email correspondence between Defense counsel and Plaintiffs' counsel wherein Defense counsel requested Plaintiffs' counsel reconsideration to exclude "Sal's" video at trial.

7. Attached hereto as Exhibit "D" is a true and correct copy of the email correspondence between Defense counsel and Plaintiffs' counsel wherein Plaintiffs'

1 counsel continued to refuse to stipulate exclude “Sal’s” video at trial.

2 8. Attached hereto as Exhibit “E” is a true and correct copy of “Sal’s” (last
3 name unknown) black and white video of the incident¹.

4 9. Attached hereto as Exhibit “F” is a true and correct copy of the County’s
5 Ex Parte to Reconsider for Single Deposition.

6 10. After multiple attempts to stipulate from April 14, 2025 – April 15, 2025,
7 regarding the use of “Sal’s” video at trial, Plaintiffs would not stipulate and their
8 sudden reversal necessitates this application.

9 11. Prior to Plaintiffs sudden reversal, the parties engaged in a conference of
10 counsel as required by Local Rule 7-3. During this conference, held on April 11, 2025,
11 Defendants were under the impression that the issue of the video had been resolved
12 and that it would be excluded from trial.

13 12. On January 21, 2025 Defendants served Plaintiffs’ counsel with an
14 amended notice of deposition for “Sal” that was to occur on January 30, 2025 but
15 “Sal” never appeared for the noticed deposition and thus the defense expert questions
16 about the video could not be answered.

17 I declare under penalty of perjury under the laws of the United States of
18 America that the above statement is true and correct. Executed this 17th day of April,
19 2025 in Orange, California.

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21 */s/ Amy R. Margolies*

22 **DECLARANT**
23 **AMY R. MARGOLIES**

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27 ¹ In order to play “Sal’s” video, media player is needed to view and listen as the
28 VLC player will only play audio.